

Senator Yantis moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Carried by the following vote:

Yeas—15.

Beall.	Linn of Wharton.
Burns.	Rogers.
Colquitt.	Terrell.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yantis.
Kerr.	Yett.
Linn of Victoria.	

Nays—7.

Atlee.	Morriss.
Bailey.	Neal.
Darwin.	Turney.
Goss.	

Absent.

Bowser.	Ross.
Lewis.	Stafford.
Presler.	

Excused.

Boren.	Stone.
Dibrell.	Tillett.

Senator Atlee moved that the Senate adjourn to 10 a. m. to-morrow.

Senator Linn of Wharton moved to adjourn to 9 a. m. to-morrow.

Senator Yantis moved to adjourn to 8 p. m. to-day.

The Senate adjourned to 10 a. m. to-morrow.

TWENTY-FIRST DAY.

Senate Chamber,

Austin, Tex., Thursday, June 17.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Goss.	Terrell.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Excused.

Boren.	Tillett.
Stone.	

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We come to Thee with praise and thanksgiving, because Thou hast been mindful of us so long. We thank Thee for our country, the home of the free and the brave. We bless Thee for our history. We pray for the present day, so full of anxiety and difficult problems. Do Thou enlighten the minds of all public servants and give them clean hearts and right lives. Do Thou confuse and defeat every effort to inaugurate schemes and policies of government that will injure our republican institutions and cast odium upon our fair name as a nation. Save and preserve us as Americans, and from all un-American customs, habits and laws. May the acts of our Congress and our Legislature be so wise and true that great good shall come to all our people. These feeble prayers we ask in the name of Christ. Amen.

Pending reading of the Journal of yesterday,

On motion of Senator Harrison, the same was dispensed with.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, June 17, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 14, a bill to be entitled "An act to amend sections 1069 and 1070 of the Revised Civil Statutes of the State of Texas, relating to the appointment of special district judges, and to reduce the expense of the State government."

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room.

Austin, Texas, June 17, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 22, a bill to be entitled "An act to fix the fees of county and district clerks for recording returns, and to amend section 10 of substitute House bill for House bills Nos. 6 and 19, passed at the first special session of the Twenty-fifth Legislature of the State of Texas, being a bill entitled 'An act to fix certain civil fees to be charged by certain county and precinct officers, and to fix and limit the fees and compensation of clerks of the district court, district attorneys,

county attorneys, sheriffs and constables in felony cases, to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, justices of the peace and constables, and to prescribe the penalties for the violation of this act, and to repeal all laws in conflict herewith, relating to the excess of the fees collected by certain county officers over the maximum amounts allowed them,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,
Austin, Texas, June 17, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 21, a bill to be entitled "An act to fix the venue and regulate the proceedings in prosecutions for rape,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,
Austin, Texas, June 17, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 19, a bill to be entitled "An act to encourage the establishment of factories, and to regulate the purchase of supplies of every kind whatsoever for the use of State, county and municipal governments, institutions, officers and employes, and to fix a penalty for the violation of the provisions of this act,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,
Austin, Texas, June 17, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 20, a bill to be entitled "An act to amend article 3964 of the Revised Civil Statutes of the State of Texas, adopted A. D. 1895, providing for the manner of taking the scholastic census, and repealing articles

3965, 3966, 3967, 3968, 3969, 3970 and 3971, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

LEWIS, Chairman.

Committee Room,
Austin, Texas, June 17, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 23, a bill to be entitled "An act to regulate and limit the expenditure of State, county and local public school funds, and regulate treasurers' reports thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEALL, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Stafford:

Senate bill No. 24, a bill to be entitled "An act to make an appropriation for moving and repairing two frame buildings at the Prairie View Normal School, and for building a boiler house at the Agricultural and Mechanical College."

Read first time, and referred to the Committee on Finance.

Call concluded.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, June 17, 1897.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 24, a bill to be entitled "An act to amend article 5049, chapter 1, title 104, of the Revised Civil Statutes of the State of Texas, relating to general occupation taxes,"

By the following vote: yeas 82, nays 15.

Senate bill No. 7, a bill to be entitled "An act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways, for injury to their servants and employes, to define who are fellow-servants, and to prohibit contracts between employer and employe based upon the contingency

of the injury or death of the employe, limiting the liability of the employer for damages."

By the following vote: yeas 64, nays 40.

Also, that the House has adopted the report of the free conference committee on Senate bill No. 2, being the general appropriation bill, by a two-thirds vote: yeas 84, nays 23.

Respectfully,

LEE J. ROUNTREE,
Chief Clerk House of Representatives.

IN SENATE.

The above reported House bill No. 24 was read first time, and referred to the Committee on Finance.

The Chair laid before the Senate, on second reading,

House bill No. 22, a bill to be entitled "An act to enforce the attendance of witnesses upon courts in counties other than the counties of their residence, and to provide for punishment for disobedience of such subpoenas; and to repeal articles 525, 526, 527, 528, 529, 530, 531, 532, 533 and 534, Code of Criminal Procedure, State of Texas, and to repeal all laws in conflict with this act."

Bill read second time.

By Senator Greer:

Amend page 4, line 7, by inserting between the words "compensation" and "and" the following, "unless it appears to the court that such disobedience is excusable, when the witness may receive the same compensation as if he had been attached."

Adopted.

By Senator Stafford:

Amend page 2, line 21, after the word "subpoena," the following, "under oath."

Adopted.

(Senator Bowser in the chair.)

By Senator Dibrell:

Amend section 1, line 32, by inserting after the word "it" the following, "believed to be."

Adopted by the following vote:

Yeas—13.

Atlee.	Lewis.
Bowser.	Neal.
Burns.	Presler.
Darwin.	Stafford.
Dibrell.	Turney.
Goss.	Wayland.
Kerr.	

Nays—8.

Bailey.	Linn of Wharton.
Beall.	Morriss.
Greer.	Ross.
Harrison.	Yett.

Absent.

Colquitt.	Terrell.
Gough.	Woods.
Linn of Victoria.	Yantis.
Rogers.	

Excused.

Boren.	Tillett.
Stone.	

By Senator Goss:

Amend section 3 by striking out all after the word "same," in line 16, down to and including the word "subpoena" in line 22.

Senator Linn of Wharton moved the previous question on the bill and pending amendments, and to include the following amendments:

By Senator Atlee:

(1) Add in line 29, page 2, after the word "witness" the following, "and 10 per cent additional."

(2) Strike out all after the words and figures "section 8," in line 30, on page 3, down to and including the word "discharged," in line 10, on page 4.

The motion for the previous question was duly seconded, and prevailed.

At the request of Senator Dibrell, the bill was read in full.

The amendment by Senator Goss was lost by the following vote:

Yeas—11.

Atlee.	Linn of Wharton.
Darwin.	Neal.
Dibrell.	Presler.
Goss.	Ross.
Harrison.	Turney.
Linn of Victoria.	

Nays—14.

Bailey.	Morriss.
Beall.	Stafford.
Bowser.	Terrell.
Colquitt.	Wayland.
Greer.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Absent.

Burns.	Rogers.
Gough.	

Excused.

Boren.	Tillett.
Stone.	

The amendments by Senator Atlee were lost.

The bill was then passed to a third reading.

Senator Beall moved to reconsider the vote by which the bill was passed to a third reading.

Senator Bailey moved to lay the motion to reconsider on the table.

Lost by the following vote:

Yeas—9.

Bailey.	Rogers.
Bowser.	Stafford.
Greer.	Wayland.
Lewis.	Yantis.
Morriss.	

Nays—17.

Atlee.	Linn of Victoria.
Beall.	Linn of Wharton
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Terrell.
Dibrell.	Turney.
Goss.	Woods.
Harrison.	Yett.
Kerr.	

Absent.

Gough. Neal.

Excused.

Boren. Tillet.

The motion to reconsider then prevailed by the following vote:

Yeas—20.

Atlee.	Linn of Wharton.
Beall.	Neal.
Colquitt.	Presler.
Darwin.	Ross.
Dibrell.	Terrell.
Goss.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Victoria.	Yett.

Nays—6.

Bailey.	Morriss.
Bowser.	Rogers.
Lewis.	Stafford.

Absent.

Burns. Gough.

Excused.

Boren. Tillet.

Senator Beall then offered to amend as follows:

Amend by striking out section 1 of the bill and insert in lieu thereof the following:

"Section 1. Where a witness resides out of the county in which the prosecution is pending, the State, upon the application of the county or district attorney, and the defendant upon his own application, shall be entitled, either in term time or in vacation, to a subpoena to compel the attendance of such witness. Such application, if made in vacation, shall be made to the clerk of the proper court, and if made in term time shall be made to the proper court. Such application, in

either case, shall be made in writing and under oath, shall state the name of such witness and his exact location, if known, and that his testimony is material, and shall state what can be and is expected to be proved by such witness, and shall state that the testimony can not be procured in the county of the prosecution, and that the application is made at the earliest time practicable after discovering the testimony and residence of the witness. When an application for a subpoena, containing the requisites as above provided for, is made during term time, the same shall be presented to the court, and the truth of such application may be controverted by the opposite party. Upon consideration of such application, should the court be of the opinion that the same is true and that the testimony of the witness is material, the clerk shall issue the subpoena as applied for; but if said application is found to be untrue, or the testimony is not material, no subpoena shall issue."

By Senator Dibrell:

Amend Senator Beall's amendment by striking therefrom the following: "and shall state that the testimony can not be procured in the county of the prosecution."

Lost.

Senator Terrell moved to reconsider the vote by which the amendment to the amendment was lost.

Lost by the following vote:

Yeas—11.

Atlee.	Presler.
Burns.	Ross.
Darwin.	Terrell.
Dibrell.	Yantis.
Goss.	Yett.
Kerr.	

Nays—13.

Bailey.	Morriss.
Bowser.	Rogers.
Colquitt.	Stafford.
Greer.	Turney.
Lewis.	Wayland.
Linn, Victoria.	Woods.
Linn, Wharton.	

Absent.

Beall. Harrison.

Gough. Neal.

Excused.

Boren. Tillet.

By Senator Atlee:

Amend the amendment (Beall's) by adding after the word "witness," in line 17, the following, "and the materiality of such testimony."

Adopted by the following vote:

Yeas—15.

Atlee.	Presler.
Beall.	Ross.
Burns.	Terrell.
Darwin.	Turney.
Dibrell.	Woods.
Goss.	Yantis.
Kerr.	Yett.
Morriss.	

Nays—10.

Bailey.	Linn of Victoria.
Bowser.	Linn of Wharton.
Colquitt.	Rogers.
Greer.	Stafford.
Lewis.	Wayland.

Absent.

Gough.	Neal.
Harrison.	

Excused.

Boren.	Tillett.
Stone.	

Pending action on the amendment as amended,

Senator Wayland offered the following:

Resolved, that the President of the senate is authorized to employ two additional men to assist the Enrolling Clerk in enrolling the general appropriation bill and other bills, and that the expense of same be paid out of the contingent expense fund.

Lost by the following vote:

Yeas—9.

Colquitt.	Presler.
Dibrell.	Rogers.
Greer.	Turney.
Kerr.	Wayland.
Morriss.	

Nays—14.

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Ross.
Bowser.	Terrell.
Darwin.	Woods.
Goss.	Yantis.
Lewis.	Yett.

Absent.

Burns.	Neal.
Gough.	Stafford.
Harrison.	

Excused.

Boren.	Tillett.
Stone.	

The following committee reports were sent up:

Committee Room,

Austin, Texas, June 17, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Finance, to whom was referred

House bill No. 24, a bill to be entitled "An act to amend article 5049, chapter 1, title 104, of the Revised Civil Statutes, relating to general occupation taxes,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

WAYLAND, Acting Chairman.

Committee Room,

Austin, Texas, June 17, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 24, a bill to be entitled "An act to make an appropriation for moving and repairing two frame buildings at the Prairie View Normal School, and for building a boiler house at the Agricultural and Mechanical College,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and not to be printed.

WAYLAND, Acting Chairman.

(Lieutenant Governor Jester in the chair.)

The Chair gave notice of signing, and did sign after its caption had been read,

Senate bill No. 7, a bill to be entitled "An act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways for injuries to their servants and employes, and to prohibit contracts between employer and employe based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages."

Pending further action on Senator Beall's amendment as amended,

On motion of Senator Kerr, the Senate adjourned to 3 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Goss.
Beall.	Greer.
Boren.	Kerr.
Colquitt.	Lewis.
Darwin.	Linn of Victoria.

Linn of Wharton.	Terrell.
Morriss.	Turney.
Neal.	Wayland.
Presler.	Woods.
Rogers.	Yantis.
Ross.	Yett.
Stafford.	

Absent.

Bailey.	Dibrell.
Bowser.	Gough.
Burns.	Harrison.

Excused.

Stone.	Tillett.
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On motion of Senator Wayland, the regular order of business was suspended to take up,

Senate bill No. 24, a bill to be entitled "An act to make an appropriation for moving and repairing two frame buildings at the Prairie View Normal School, and for building a boiler house at the Agricultural and Mechanical College."

On motion of Senator Wayland, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its second reading by the following vote:

Yeas—21.

Atlee.	Presler.
Beall.	Rogers.
Boren.	Ross.
Colquitt.	Stafford.
Goss.	Terrell.
Greer.	Turney.
Lewis.	Wayland.
Linn of Victoria.	Woods.
Linn of Wharton.	Yantis.
Morriss.	Yett.
Neal.	

Nays—1.

Darwin.

Absent.

Bailey.	Gough.
Bowser.	Harrison.
Burns.	Kerr.
Dibrell.	

Excused.

Stone.	Tillett.
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Bill read second time, and ordered engrossed.

Senator Bailey moved to reconsider the vote by which the bill was ordered engrossed.

Lost.

Senator Beall made the point of order against the further consideration of the bill, that it was in contravention of section 37, article 3, of the Constitution of the State of Texas (provides "that no bill shall be passed which has not been presented and re-

ferred to and reported from a committee at least three days before the final adjournment of the Legislature.")

Not sustained.

On motion of Senator Wayland, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Neal.
Boren.	Presler.
Burns.	Rogers.
Dibrell.	Ross.
Goss.	Stafford.
Greer.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn of Victoria.	Woods.
Linn of Wharton.	Yett.
Morriss.	

Nays—4.

Bailey.	Darwin.
Beall.	Yantis.

Absent.

Bowser.	Gough.
Colquitt.	Harrison.

Excused.

Stone.	Tillett.
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Bill read third time, and passed by the following vote:

Yeas—16.

Atlee.	Presler.
Boren.	Rogers.
Burns.	Ross.
Dibrell.	Terrell.
Kerr.	Turney.
Linn of Victoria.	Wayland.
Linn of Wharton.	Woods.
Morriss.	Yett.

Nays—6.

Bailey.	Greer.
Beall.	Stafford.
Darwin.	Yantis.

Absent.

Bowser.	Harrison.
Colquitt.	Lewis.
Goss.	Neal.
Gough.	

Excused.

Stone.	Tillett.
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Senator Wayland moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Carried.

PENDING BUSINESS.

The Chair laid before the Senate, on second reading,

House bill No. 22, a bill to be entitled "An act to enforce the attendance of witnesses upon courts in counties other than the counties of their residence, and to provide for punishment for disobedience of such subpoenas, and to repeal articles 525, 526, 527, 528, 529, 530, 531, 532, 533 and 534, of the Code of Criminal Procedure of the State of Texas, and to repeal all laws in conflict with this act,"

Action being on Senator Beall's amendment pending on adjournment of the morning session.

By consent, Senator Beall changed his amendment to read as follows:

Amend by striking out section 1 of the bill and insert in lieu thereof the following:

"Section 1. Where a witness resides out of the county in which the prosecution is pending, the State, upon the application of the county or district attorney, and the defendant upon his own application, shall be entitled, either in term time or in vacation, to a subpoena to compel the attendance of such witness. Such application, if made in vacation, shall be made to the clerk of the proper court, and if made in term time shall be made to the proper court. Such application, in either case, shall be in writing and under oath, shall state the name of such witness and his exact location, if known, and that his testimony is material, and shall state what can be and is expected to be proved by such witness, and that the application is made at the earliest time practicable after discovering the testimony and residence of the witness and the materiality of such testimony."

Lost by the following vote:

Yeas—9.

Beall.	Goss.
Burns.	Kerr.
Colquitt.	Presler.
Darwin.	Yett.
Dibrell.	

Nays—14.

Atlee.	Rogers.
Bailey.	Ross.
Boren.	Stafford.
Greer.	Terrell.
Lewis.	Turney.
Linn, Wharton.	Woods.
Morriss.	Yantis.

Absent.

Bowser.	Linn, Victoria.
Gough.	Neal.
Harrison.	Wayland.

Excused.

Stone.	Tillett.
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By Senator Terrell:

Amend by inserting after the word "court," line 9, page 4, "or in vacation."

Adopted.

By Senator Atlee:

Strike out all after the word "final," in line 32, page 3, down to and including the word "county," in line 2, page 4, and insert the following, "unless set aside, after due notice, to show cause why it should not be final, which notice may immediately issue requiring the defaulting witness to appear at once, or at the next term of court, in the discretion of the judge, to answer for such default."

Adopted by the following vote:

Yeas—17.

Atlee.	Presler.
Beall.	Ross.
Boren.	Stafford.
Burns.	Terrell.
Darwin.	Turney.
Dibrell.	Woods.
Goss.	Yantis.
Kerr.	Yett.
Linn of Victoria.	

Nays—6.

Bailey.	Linn of Wharton.
Greer.	Morriss.
Lewis.	Rogers.

Present, not voting.

Colquitt.

Absent.

Bowser.	Neal.
Gough.	Wayland.
Harrison.	

Excused.

Stone.	Tillett.
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Bill as amended passed to a third reading by the following vote:

Yeas—19.

Atlee.	Morriss.
Bailey.	Rogers.
Beall.	Ross.
Boren.	Stafford.
Burns.	Terrell.
Colquitt.	Turney.
Greer.	Woods.
Kerr.	Yantis.
Lewis.	Yett.
Linn, Victoria.	

Nays—6.

Darwin.	Linn, Wharton.
Dibrell.	Presler.
Goss.	Wayland.

Absent.

Bowser.	Harrison.
Gough.	Neal.

Excused.

Stone.	Tillett.
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Senator Colquitt moved to reconsider the vote by which the bill was passed to third reading.

Senator Bailey moved to lay the motion to reconsider on the table.

Lost by the following vote:

Yeas—8.

Bailey.	Linn of Wharton.
Boren.	Presler.
Goss.	Rogers.
Lewis.	Stafford.

Nays—17.

Atlee.	Morriss.
Beall.	Ross.
Burns.	Terrell.
Colquitt.	Turney.
Darwin.	Wayland.
Dibrell.	Woods.
Greer.	Yantis.
Kerr.	Yett.
Linn of Victoria.	

Absent.

Bowser.	Harrison.
Gough.	Neal.

Excused.

Stone.	Tillett.
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The motion to reconsider then prevailed.

By Senator Colquitt:

Amend bill by adding to section 5 the following proviso: "Provided, that when an indictment can be found from the evidence taken before an inquest or examining trial, no subpoena or attachment shall issue for a witness who resides out of the county in which the prosecution is pending to appear before a grand jury; and provided further, that when the grand jury shall certify to the district judge that sufficient evidence can not be procured upon which to find an indictment except upon the testimony of non-resident witnesses, the district judge may have subpoenas issued, as provided for in this act, to other counties for witnesses to testify before the grand jury, not to exceed one witness to any one fact nor more than three witness to any one case pending before the grand jury."

Adopted.

The bill as amended was then passed to a third reading.

Senator Bailey moved to reconsider the vote by which the bill was passed to a third reading, and to lay that motion on the table.

Carried.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third

reading and final passage by the following vote:

Yeas—21.

Atlee.	Morriss.
Bailey.	Presler.
Beall.	Rogers.
Boren.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Greer.	Turney.
Kerr.	Woods.
Lewis.	Yantis.
Linn, Victoria.	Yett.
Linn, Wharton.	

Nays—4.

Darwin.	Goss.
Dibrell.	Wayland.

Absent.

Bowser.	Harrison.
Gough.	Neal.

Excused.

Stone.	Tillett.
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Bill read third time, and passed by the following vote:

Yeas—17.

Atlee.	Linn, Victoria.
Bailey.	Morriss.
Beall.	Presler.
Boren.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Greer.	Woods.
Kerr.	Yett.
Lewis.	

Nays—7.

Darwin.	Terrell.
Dibrell.	Turney.
Goss.	Yantis.
Linn, Wharton.	

Absent.

Bowser.	Neal.
Gough.	Wayland.
Harrison.	

Excused.

Stone.	Tillett.
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I vote "no" on this bill, House bill No. 22 (Ayers' bill), because I consider it an absurdity. In my judgment, this measure, if it becomes a law, will cause greater delay in the administration of our criminal law than now exists, and will entail greater expense on the people than they are required to bear under our present system. It will furnish the criminal lawyer material with which to reverse criminal laws that he has not heretofore enjoyed. It will prove the criminal's delight and the people's curse. It reflects upon the legal knowledge of the Legislature in that it seeks to force the peace officers

executing criminal process to advance money and means to the witness, who may swear that he is unable to attend court, thereby making such officers perambulating banks. It is carelessly worded, and absolutely is without any restrictions as to the amount that may be advanced to such witness by any such officer, thus leaving the State in a helpless condition and a prey to the rapacity of the dishonest.

DIBRELL.

On motion of Senator Yett, the regular order of business was suspended to take up, on second reading,

Senate bill No. 20, a bill to be entitled "An act to amend article 3964 of the Revised Civil Statutes of the State of Texas, adopted A. D. 1895, providing for the manner of taking the scholastic census, and repealing article 3965, 3966, 3967, 3968, 3969, 3970 and 3971 of the Revised Civil Statutes of the State of Texas."

Bill read second time.

By Senator Stafford:

Amend page 1, line 32, by adding the words "color and nationality" after the word "name;" and strike out the words "color and nationality" on page 2, in line 2.

Adopted.

By Senator Stafford:

Amend by adding on page 4, line 28, the following, "in country districts, and 3 cents per capita in towns of 2500 and upward to 5000 inhabitants, and 2 cents per capita in cities of more than 5000 inhabitants."

Adopted.

By Senator Dibrell:

Amend the bill by striking out the word "six" wherever it occurs and inserting in lieu thereof the word "eight."

Adopted.

By Senator Rogers:

Amend by adding section 3, as follows:

"Sec. 3. The crowded condition of the calendar, and the near approach of the close of this session of the Legislature, and the fact that the law is deficient in regard to enumerating the scholastic census, create an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this bill be put upon its third reading and final passage, and it is so enacted."

Adopted.

By Senator Linn of Wharton:

Amend by striking out all of line 19,

page 2, down to and including the word "person" in line 30.

Lost.

Bill as amended ordered engrossed.

On motion of Senator Yett, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—23.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Boren.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Goss.	Terrell.
Greer.	Turney.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Victoria.	Yett.

Nays—none.

Present, not voting.

Colquitt.

Absent.

Bowser.	Harrison.
Burns.	Neal.
Gough.	Wayland.

Excused.

Stone.

Tillett.

Bill read third time, and passed.

Senator Yett moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Carried.

On motion of Senator Beall, the regular order of business was suspended to take up, on second reading,

Senate bill No. 23, a bill to be entitled "An act to regulate and limit the expenditure of State, county and local public school funds, and regulate treasurer's reports thereof."

Bill read second time.

By Senator Goss:

Amend by striking out all of lines 23, 24 and 25, after the word "trustees," in line 23.

Lost.

By Senator Dibrell:

Amend page 1, line 7, by striking out the words "and furnishings."

Adopted.

(Senator Bailey in the chair.)

By Senator Colquitt:

Amend lines 16 and 17, page 1, by striking out the words "for buying school sites, buying buildings."

By Senator Darwin:

Substitute the amendment as follows: Amend by striking out all of

line 16 after the word "census;" also line 17 of the bill, page 1.

Adopted.

The amendment as substituted was adopted.

By Senator Goss:

Amend by inserting before the word "county," in line 20, the words "State and."

Adopted.

By Senator Beall:

Amend section 1, page 1, line 21, by adding after the word "employes" the following, "for buying school sites, buying, building, repairing, renting and furnishing school houses."

Adopted.

By Senator Goss:

Amend by striking out all of lines 23, 24 and 25 after the word "trustees," in line 23, and inserting the following: "the accounts therefor to be approved by the county superintendent."

Adopted by the following vote:

Yeas—12.

Bailey.	Morriss.
Darwin.	Rogers.
Dibrell.	Stafford.
Goss.	Turney.
Lewis.	Woods.
Linn, Wharton.	Yantis.

Nays—10.

Beall.	Presler.
Boren.	Ross.
Burns.	Terrell.
Colquitt.	Wayland.
Linn, Victoria.	Yett.

Absent.

Atlee.	Harrison.
Bowser.	Kerr.
Gough.	Neal.
Greer.	

Excused.

Stone.	Tillett.
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By Senator Atlee:

Add to subdivision 3 the following: "Provided, where the State available school fund in any city or county is sufficient to maintain the schools thereof in any year for at least eight months and leave a surplus, such surplus may be expended for the purposes mentioned herein."

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Beall, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Morriss.
Bailey.	Presler.
Beall.	Rogers.
Boren.	Ross.
Burns.	Terrell.
Colquitt.	Turney.
Darwin.	Wayland.
Dibrell.	Woods.
Goss.	Yantis.
Linn, Victoria.	Yett.
Linn, Wharton.	

Nays—none.

Absent.

Bowser.	Kerr.
Gough.	Lewis.
Greer.	Neal.
Harrison.	Stafford.

Excused.

Stone.	Tillett.
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Bill read third time, and passed.

Senator Beall moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Carried.

On motion of Senator Dibrell, the regular order of business was suspended to take up, on third reading,

Senate bill No. 19, a bill to be entitled "An act to regulate the purchase of supplies for the use of the State, county and municipal governments, institutions, officers and employes, and to fix a penalty for the violation of the provisions of this act."

Bill read third time, and passed.

Senator Dibrell moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Carried.

By consent, Senator Darwin offered the following:

Senate concurrent resolution No. ...

Resolved by the Senate, the House concurring, that the first called session of the Twenty-fifth Legislature of Texas stand adjourned sine die at 11:30 o'clock a. m., June 18, 1897.

Resolution read, and under the rules went over for one day.

COMMITTEE REPORTS.

The following committee reports were made:

Committee Room,

Austin, Texas, June 17, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 7, a bill to be entitled "An act to prescribe and define

the liability of persons, receivers and corporations operating railroads or street railways for injuries to their servants and employes, to define who are fellow-servants, and to prohibit contracts between employer and employe based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages,"

And find the same correctly enrolled, and have this day, at 3:30 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, June 17, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 24, a bill to be entitled "An act to make an appropriation for moving and repairing two frame buildings at the Prairie View Normal School, and for building a boiler house at the Agricultural and Mechanical College."

And find the same correctly engrossed.

BOREN, Acting Chairman.

On motion of Senator Lewis,

Senate bill No. 16, a bill to be entitled "An act to fix the venue and regulate proceedings in prosecutions for rape; define and punish murder by mob violence; provide for the suspension and removal of sheriffs, deputy sheriffs, constables, chiefs of police, city marshals and other officers who permit it; and fix the venue and regulate proceedings in such cases,"

Was made special order for to-morrow after call.

On motion of Senator Stafford,

Senator Neal was excused for to-day, on account of sickness.

On motion of Senator Stafford,

Senator Dibrell was excused for non-attendance on last Monday, Tuesday and Wednesday, on account of sickness.

On motion of Senator Yantis,

Senator Gough was excused for to-day and to-morrow, on account of sickness in his family.

Senator Colquitt sent up a report for himself, giving his conclusions as to the result of the labors of the special committee of five appointed to investigate the facts relative to the missing amendment to Senate bill No. 258 (text-book bill), and stated that

other members of the committee would make reports.

Senator Atlee made the point of order that the report was neither a minority nor majority report, and hence out of order.

Sustained.

After discussion,

Senator Beall moved that the reports be read as sent up, and that when all were submitted they be printed in the Journal.

So ordered.

The report of Senator Colquitt was then read and placed in the hands of the Secretary until the other reports were submitted.

On motion of Senator Linn of Wharton, the Senate adjourned to 10 a. m. to-morrow.

TWENTY-SECOND DAY.

Senate Chamber,

Austin, Tex., Friday, June 18.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Bailey.	Neal.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Dibrell.	Tillett.
Goss.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn, Victoria.	Yett.
Linn, Wharton.	

Absent.

Harrison.

Excused.

Boren.

Stone.

Gough.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: Hear our prayer for our State: Bless the farmer, the stockman and the mechanic; bless the lawyers, the doctors and the teachers; bless the merchant, the banker and the minister, and all other toilers; bless the voters, the politician, and the various servants of public trust. Give all clear convictions of duty, integrity of character and consecration to every